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| 10/615,505 | 07/08/2003 | Jean-Luc Collet | FR920020050US1 | 9234 |
| 45095 7590 02/22/2008 HOFFMAN, WARNICK & D'ALESSANDRO LLC 75 STATE ST 14 FL ALBANY, NY 12207 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,505

Applicant(s)

COLLET ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In Applicant's Response dated 11/26/2007, Applicant argued against all rejections previously set forth in the Office Action dated 08/20/2007. Claims 1-5, 7-10 and 16-17 are currently pending. Claims 6 and 11-12 have been cancelled. Claims 1, 9, and 10 are independent claims, filling date 07/9/2003, which claimed priority of (EPO) 02368077.0 filed 07/11/2002

Claims Rejections – 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 ejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter.

Claim 9 recites, a "computerized system" performing various functions, such as "*selecting, creating, linking and storing...*" file. The disclosure of the present invention expressly states "*Fig. 1 and system 100 comprises a source text file 102 to be imported into a spreadsheet file 104. The source text file is dynamically coupled to a file format profile 108 through a source file format profile manager 106...and the spreadsheets file 104*". See Applicant specification Page 4, lines 13-25, all functions described herein may be performed in either hardware or software. Thus, for purposes of examination, the examiner interprets the recited "*selecting,*

Art Unit: 2176

creating, linking and storing..." file to comprise only computer software.

Accordingly, the "computerized system" recited in Claim 9 is software *per se*.

Computer software is not a process, a machine, a manufacture or a composition of matter. Accordingly, Claim 9 fails to recite statutory subject matter, as defined in 35 U.S.C. 101.

In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejections under 35 U.S.C. 101.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-10 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Koss** (US 005231577A filed 04/06/1990) [hereinafter "Koss"], in view of **Gauthier et al.**, (US20060053383A1 CON of USPAT 6,948,134 filed 03/27/2001) [hereinafter "Gauthier"];

Art Unit: 2176

Regarding **independent claim 1**, Koss states:

***A method for formatting a plurality of source text files
each having specific formats to be imported into a single
spreadsheet file,***

(See, Koss, col. 1, lines 15-25 and the Abstract, teaching the "XF table index," which is the user modifiable file format profile to be associated with source text files (i.e. attributes, such as font type font size, etc. where each cell in the spreadsheet contains an internal index which references a cell to an entry in the extended format table (i.e. XF table index).

***wherein each source text file comprises a file
recognized by a spreadsheet program as a text file,***

(See, Koss, col. 1, lines 15-25 and the Abstract, teaching source text files (i.e. attributes, such as font type font size, etc. where each cell in the spreadsheet contains an internal index which references a cell to an entry in the extended format table (i.e. XF table index).

***b) creating a source-format link between the plurality of
source files and the selected plurality of file format profiles;
wherein the source-format link stores a format action applied
to the spreadsheet file after an importing;***

(It is noted that a "source-format link" is defined in the disclosure as the link between the source text file to be imported and a selected file format profile. See, disclosure, col. 3, lines 13-21, the "source-format link" is read as any

ordinary and necessary common addressing method for selecting the source document such that it can be loaded into the spreadsheet.

See, Koss, col. 3, line 47 through col. 5, line 62, teaching the "source-format link" as the index within the cell to read the cell format. In the cited embodiment, the "source-format link" is made according to a default format. However, the cells may be altered later to a different format and data may also be imported after that time, meeting the limitation. See, Koss, col. 9, lines 1-5.

See, Koss, at the Abstract, teaching the each possible extended format combination is stored in an extended format table comprising a linked list of extended format combinations.)

c) importing the plurality of source files into the single spreadsheet file after creating the source-format link;

(See, Koss, col. 3, line 47 through col. 5, line 62, teaching importing the source text files into the spreadsheet according to the default formatting established with the link.)

and a size of each of the imported plurality of source text files;

(See, Koss, col. 5, lines 20-25, teaching saves the size of the current XF table.)

f) applying the selected plurality of file format profiles to the imported plurality of source files by using the source-format link and the location link.

Art Unit: 2176

(See, Koss, col. 3, line 47 through col. 9, line 8, teaching the invention, including the application of selected profiles to imported source text files using the source-format link and location link.)

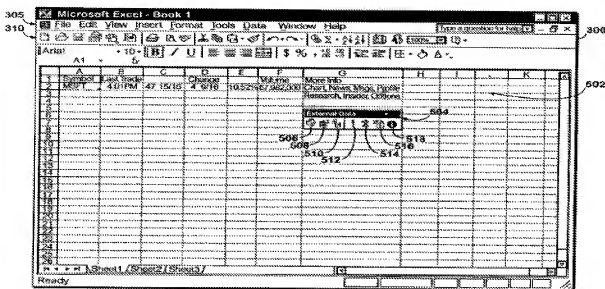
In addition, Koss does not expressly teach, but Gauthier teaches:

the plurality of file format profiles each includes a plurality of identifiers each with a corresponding formatting instruction, wherein each identifier generates a unique action in the spreadsheet file, wherein the file format profile is configured to be used to format the single spreadsheet file;

(See, Gauthier Fig. 5 and Page 8 Para 71, teaching Microsoft Excel window 300, external data item 506.

Also, see Gauthier at Page 9 Para 73, discloses once the user has positioned the cursor over the tabular data that the user wants to import into their MICROSOFT EXCEL 2002 worksheet, the user then selects the data. Typically, the data is selected by clicking a predefined button on the mouse.)

d) creating a location link between the imported plurality of source files and their locations into the single spreadsheet file after the importing; wherein the location link comprises a directory path of the source text files and contains a related location,



It is noted that a "location link" is defined in the disclosure as the identifier of the location of the imported text file and its place in the spreadsheet. See the Applicant's disclosure, Page 3, Lines 21-25. The "location link" is read as the ordinary and necessary location address of the data to the spreadsheet such that the data may be identified and accessed within the spreadsheet.

Also See, Gauthier Fig. 5 and Page 6→ 7 Para 60, teaching once the initial page is loaded, the user has the freedom to navigate to any Web page that contains tabular data they are interested in importing to a spreadsheet program by graphically hot-linking to a remote site or alternatively manually inputting the valid URL of the desired Web page.

e) storing the location link into a spreadsheet user profile database after the creating;

(See, Gauthier Page 13 Para 109, teaching once the Paste operation is completed, the tabular data is copied from the Clipboard to a location in a MICROSOFT EXCEL 2002 worksheet selected by the user.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koss method that allows user modifiable file format profile to be associated with source text files (i.e. attributes, such as font type font size, etc. where each cell in the spreadsheet contains an internal index which references a cell to an entry in the extended format table (i.e. XF table index), to include a means of creating a location link between the imported plurality of source files and their locations into the single spreadsheet file after the importing; wherein the location link comprises a directory path of the source text files and contains a related location where the plurality of file format profiles each including a plurality of identifiers each with a corresponding formatting instruction, wherein each identifier generates a unique action in the spreadsheet file, wherein the file format profile is configured to be used to format the single spreadsheet file storing the location link into a spreadsheet user profile database after the creating of Gauthier, to produce a predictable result for importing source text files into a single spreadsheet, (See Gauthier Page 2 Para 9, Page 8, Para 71, and Page 9 Para 73).

Art Unit: 2176

Regarding **claim 2**, Koss states:

The method of claim 1 further comprising before step a) a step of creating at least one file format profile including at least one identifier with a corresponding formatting instruction.

(See, Koss, col. 5, line 35 through col. 6, line 68, teaching the creating of a new file format profile with identifier and corresponding formatting instruction.)

Regarding **claim 3**, Koss states:

The method of claim 2 further comprising a step of storing the created at least one file format profile into a file format profile database.;

(See, Koss, col. 5, lines 7-19 and col. 7, lines 16-64, teaching saving the formatted spreadsheet.)

Regarding **claim 4**, Koss states:

The method of claim 1 further comprising after step a) the step of modifying the selected file format profile.

(See, Koss, col. 7, lines 16-64, teaching modifying a selected file format profile.)

Regarding **claim 5**, Koss states:

The method of claim 4 further comprising a step of storing the modified selected file format profile into the file format profile database;

(See, Koss, col. 7, lines 16-64, teaching modifying a selected file format profile and storing it in a database.)

Regarding **claim 7**, Koss states:

***The method of claim 1 wherein the spreadsheet file is created
by a spreadsheet program;***

(See, Koss, col. 3, lines 33-46, teaching that the invention is directed to well-known spreadsheet applications.)

Regarding **claim 8**, Koss states:

***The method of claim 1 further comprising after step e) a step
of deleting the location link,***

(It is noted that this limitation is read as un-doing the formatting such that the formatted cell returns to the default state.

Also See, Koss, claim 8, teaching that a link may be eliminated when it is a duplicate. The term "eliminated" could reasonably be read as either moved to storage for use in un-doing the deletion or it could be reasonably read as meaning that the link was erased.

It would have been obvious to one of ordinary skill in the art at the time of the invention to delete an unused location link for the obvious and beneficial purpose of removing the link without the additional processing overhead of storing the link for possible later undoing.)

Regarding independent claim 9:

the rejection of claim 1 is fully incorporated. In addition, claim 9 is directed to a system to perform the method of claims 1, which is rejected above, and is similarly rejected under the same rationale.

In addition, Koss teaches:

a plurality of source text files each having specific formats to be imported into a single spreadsheet file.

(See, Koss, col. 3, line 47 through col. 5, line 62, teaching importing the source text files into the spreadsheet according to the default formatting established with the link.)

Regarding independent claim 10:

the rejection of claim 1 is fully incorporated. In addition, claim 9 is directed to a system to perform the method of claims 1, which is rejected above, and is similarly rejected under the same rationale.

In addition, Koss teaches:

formatting a plurality of source text files each having specific formats to be imported into a single spreadsheet file.

(See, Koss, col. 3, line 47 through col. 9, line 8, teaching the invention, including the application of selected profiles to imported source text files using the source-format link and location link.)

Art Unit: 2176

Regarding **claim 16**, Koss states:

The method of claim 1, wherein the applying further comprises executing a set of formatting instructions based on the at least one identifier contained in the file format profile.

(See, Koss, col. 3, line 47 through 50, teaching the formatting identifiers.)

Regarding **claim 17**, Koss states:

The method of claim 8, further comprising updating a spreadsheet user profile to correspond with the deletion;

(It is noted that this limitation is read as specifying saving a removed link, such as for possible use in restoring a deletion. See, Koss, claim 8, teaching that a link may be eliminated when it is a duplicate. The term "eliminated" could reasonably be read as either moved to storage for use in un-doing the deletion, or it could be reasonably read as meaning that the link was erased. It would have been obvious to one of ordinary skill in the art at the time of the invention to store the removed link for the obvious and beneficial purpose of being able to undo the removal of the link.)

It is noted that citations to specific, pages, columns, lines, or figures in the prior art references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

The Arguments filed on 11/26/2007/2007 has been fully considered but they are not persuasive. Beginning on page 7 of 10 of the Remarks (hereinafter the remarks), Applicant argues the following issues, which are accordingly addressed below.

It is noted, to address the rejection of claim 9 under 35 U.S.C 101, the Applicant amended claim 9 to include the feature "*computerized system*". As discuss above, a "computerized system" performing various functions, such as "*selecting, creating, linking and storing...*" file. The disclosure of the present invention expressly states "*Fig. 1 and system 100 comprises a source text file 102 to be imported into a spreadsheet file 104. The source text file is dynamically coupled to a file format profile 108 through a source file format profile manager 106...and the spreadsheets file 104* ". See Applicant specification Page 4, lines 13-25, all functions described herein may be performed in either hardware or software. Thus, for purposes of examination, the examiner interprets the recited "*selecting, creating, linking and storing...*" file to comprise only computer software. Accordingly, the "*computerized system*" recited in Claim 9 is software *per se*. Computer software is not a process, a machine, a manufacture or a composition of matter. Accordingly, Claim 9 fails to recite statutory subject matter, as defined in 35 U.S.C. 101.

In addition, the Applicant argues:

- Koss and Gauthier fail to teach *"importing the plurality of source text files into the singly spreadsheet file after the creating the source-format link"*, because *"the XF table/index"* of Koss is not a similar method of importation of source text files as that term is understood by one of the skill in the art as claimed by the Applicant- See the remarks Page 7 Bottom Para→Page 8 whole page.

The Examiner disagrees.

As discuss in the rejection above, Specifically in Fig. 1, Koss discloses importing the source text files into the spreadsheet according to the default formatting established with the link. using the INDEX items 106, 107 and so on that is importing the source file from XF table; this allows the user modifiable file format profile to be associated with source text files (i.e. attributes, such as font type font size, etc. where each cell in the spreadsheet contains an internal index which references a cell to an entry in the extended format table (i.e. XF table)

See, Koss, Fig. 1 and col. 3, line 47 through col. 5, line 62,

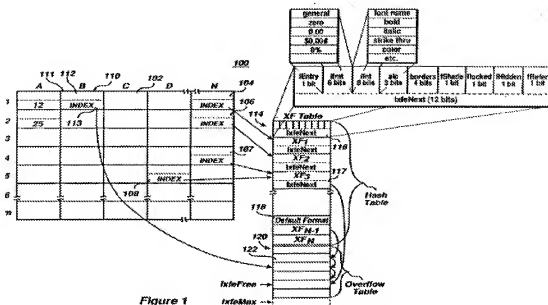


Figure 1

For further clarification, it is noted Gauthier discloses in FIG. 3 the window 300 showing a typical screen display in a MICROSOFT EXCEL 2002 spreadsheet program when the user has selected the option to import external data into a MICROSOFT EXCEL 2002 worksheet. The MICROSOFT EXCEL 2002 window 300 includes a drop-down menu bar 305 and a command bar 310. The MICROSOFT EXCEL 2002 window 300 also contains a viewing area 315. The contents of the MICROSOFT EXCEL 2002 program are viewed in the viewing area 315, which contains a plurality of cells that may contain text, numbers, formula or the like, Gauthier further discloses a plurality of icons 340, each having a visual attribute, are displayed proximate to each instance of tabular data in the Web page. Each icon 340 provides a visual indication to the user of which objects on the Web page are tabular data and can be imported into the spreadsheet program. Additionally, an icon for the entire Web page 335 is

Art Unit: 2176

displayed in the upper left corner of the viewing area 330. This indicates to the user that the contents of the entire Web page may be imported into the spreadsheet program. The icons associated with each instance of tabular data 340 and the icon for the entire Web page 335 all have at least one visual attribute, such as a color, a symbol, text, a font, or a combination of these elements associated with them.

For example, in the illustration, each icon (335, 340) comprises an arrow surrounded by a box, whose background color is set to yellow. These icons (335, 340) provide the advantage of quickly identifying objects in the Web page that contain tabular data. In this way, the user may simply look at the Web page displayed in the New Web Query dialog box 320 and obtain a graphical representation of what elements may be imported into the Web Query, rather than having to review the underlying HTML document- See Gauthier Fig. 3 and at Page (s) 7-8 Para 67-69.

Art Unit: 2176

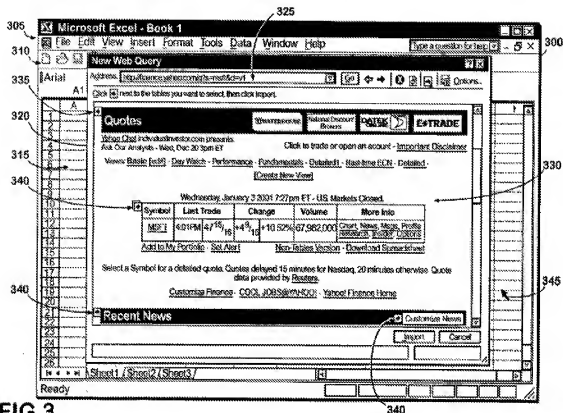


FIG.3

Thus, the prior art clearly discloses importing the plurality of source text files into the singly spreadsheet file after the creating the source-format link. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine their teaching to result the claimed invention.

Also, the Applicant hereby renew their request and arguments from the previous submitted amendment filed on 06/26/2007:

- Whereby Koss specifically teaching numerous features, by way of example only, merely citing column 3, line 47 through column 5, line 62, for teaching of the importing step does not meet the

threshold burden of showing adequate teaching. See Office Action, page 6. See the remarks Page 9 Second Paragraph.

The Examiner disagrees.

It is noted the Applicant's argument replied upon different Office Action with different ground of rejections. Thus the argument is moot. For clarification, it is noted, (In the remarks dated 06/26/2007), claims 1-7, 9-10, and 12-16 was rejected under **35 U.S.C 102(b)** as being anticipated by **Koss** and claims 8 and 17 was rejected under 35 U.S.C 103(a) as being unpatentable over **Koss**- See the remarks dated 06/26/2007 Page 7/10 Third Para.

As discuss above and in the Office action dated 08/20/2007, claims 1-5, 7-10, 16, and 17 was rejected under **35 U.S.C 103(a)** as being unpatentable over **Koss** in view of **Gauthier**- See above Office Action for details.

Accordingly, for at least all the above evidence, therefore the Examiner respectfully maintains the rejection of 1-5, 7-10, 16, and 17 at least at this time.

Conclusion

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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